

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

ZOHAR III, CORP., *et al.*,¹

Debtor.

Chapter 11

Case No. 18-10512 (KBO)

DAVID DUNN, as Litigation Trustee for
Zohar Litigation Trust-A,

Plaintiff.

Adv. Pro. No. 20-50534 (KBO)

-against-

PATRIARCH PARTNERS, LLC;
PATRIARCH PARTNERS VIII, LLC;
PATRIARCH PARTNERS XIV, LLC;
PATRIARCH PARTNERS XV, LLC;
PHOENIX VIII, LLC; OCTALUNA LLC;
OCTALUNA II LLC; OCTALUNA III LLC;
ARK II CLO 2001-1, LIMITED; ARK
INVESTMENT PARTNERS II, LP; ARK
ANGELS VIII, LLC; PATRIARCH

¹ The Debtor in this chapter 11 case, along with the last four digits of its federal tax identification number, is Zohar III, Corp., (9612). The Debtor's address is c/o Province, LLC 70 Canal Street, Suite 12E, Stamford, CT 06902. In addition to Zohar III, Corp., the Debtor's affiliates include the following debtors whose bankruptcy cases have been closed prior to the date hereof, along with the last four digits of their respective federal tax identification numbers and chapter 11 case numbers: Zohar II 2005-1, Corp. (4059) (Case No. 18-10513); Zohar CDO 2003-1, Corp. (3724) (Case No. 18-10514); Zohar III, Limited (9261) (Case No. 18-10515); Zohar II 2005-1, Limited (8297) (Case No. 18-10516); Zohar CDO 2003-1, Limited (5119) and (Case No. 18-10517). All motions, contested matters, and adversary proceedings that remained open as of the closing of such cases, or that are opened after the date thereof, with respect to such Closed-Case debtors, are administered in this remaining chapter 11 case.

PARTNERS MANAGEMENT GROUP,
LLC; PATRIARCH PARTNERS AGENCY
SERVICES, LLC; and LYNN TILTON,

Defendants, and

180S, INC.; GLOBAL AUTOMOTIVE
SYSTEMS, LLC; INTREPID U.S.A., INC.;
IMG HOLDINGS, INC.; SCAN-OPTICS,
LLC; STILA STYLES, LLC; SNELLING
STAFFING, LLC; and VULCAN
ENGINEERING, CO.

Nominal Defendants.

PATRIARCH PARTNERS VIII, LLC;
PATRIARCH PARTNERS XIV, LLC;
PATRIARCH PARTNERS XV, LLC;
OCTALUNA LLC; OCTALUNA II LLC;
OCTALUNA III LLC; PATRIARCH
PARTNERS AGENCY SERVICES, LLC;
and PATRIARCH PARTNERS, LLC,

Counterclaim and
Third-Party Claimants,

-against-

ZOHAR CDO 2003-1, LIMITED; ZOHAR
CDO 2003-1, CORP., ZOHAR II 2005-1,
LIMITED; ZOHAR II 2005-1, CORP.;
ZOHAR III, LIMITED; and ZOHAR III
CORP.

Counterclaim and
Third-Party
Defendants.

DAVID DUNN, as Litigation Trustee for
Zohar Litigation Trust-A

Plaintiff,

-against-

LYNN TILTON; PATRIARCH PARTNERS,
LLC; PATRIARCH PARTNERS VIII, LLC;
PATRIARCH PARTNERS XIV, LLC;
PATRIARCH PARTNERS XV, LLC;
PATRIARCH PARTNERS AGENCY
SERVICES, LLC; PATRIARCH
PARTNERS MANAGEMENT GROUP,
LLC; OCTALUNA, LLC; OCTALUNA II,
LLC, ARK II CLO 2001-1, LLC; ARK
INVESTMENT PARTNERS II, L.P.; LD
INVESTMENTS, LLC; ZOHAR HOLDING,
LLC, and ZOHAR HOLDINGS, LLC,

Defendants.

Adv. Pro. No. 20-50776 (KBO)

**ZOHAR LITIGATION TRUST-A'S MOTION TO COMPEL
CUSTODIANS, SEARCH TERMS, AND DISCOVERY REQUESTS**

Plaintiff David Dunn as Trustee ("Trustee") for the Zohar Litigation Trust-A (the "Litigation Trust") hereby brings this motion ("Motion") to compel Defendants Lynn Tilton, Patriarch Partners, LLC, Patriarch Partners VIII, LLC, Patriarch Partners XIV, LLC, Patriarch Partners XV, LLC, Patriarch Partners Agency Services, LLC, Patriarch Partners Management Group, LLC, Octaluna, LLC, Octaluna II, LLC, Ark II CLO 2001-1, LLC, Ark Investment Partners II, L.P., LD-Investments, LLC, Zohar Holding, LLC, and Zohar Holdings, LLC (collectively, "Defendants"), to collect, search for, and produce documents responsive to the Litigation Trust's Requests for the Production of Documents, and to respond to the Litigation Trust's Interrogatory.

By this Motion, the Litigation Trust seeks an order compelling Defendants to collect from relevant custodians; to make a complete production of the relevant discovery in their possession, custody, or control, including through application of the search terms and date ranges in Appendix A to the Memorandum of Law in Support of the Zohar Litigation Trust-A's Motion to Compel Custodians, Search Terms, and Discovery Requests; to produce all documents responsive to Requests for Production Nos. 38, 58, 59, 60, 61, 62, and 63; and to respond to the identified interrogatory, as set forth in the Order attached hereto as Exhibit A.

Del. Bankr. L.R. 7026-1(d) Certification

The undersigned counsel to the Litigation Trustee certifies that, prior to the filing of the Motion, reasonable efforts were made to reach an agreement with Patriarch on the matters set forth in the Motion.

In support of this Motion, the Litigation Trust incorporates its Memorandum of Law in Support of its Motion to Compel Custodians, Search Terms, and Discovery Requests and the Declaration of Brian R. Campbell and exhibits thereto.

Dated: January 26, 2024
Wilmington, Delaware

/s/ Ryan M. Bartley
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Litigation Trust-A*